

**IN THE UNITED STATES DISTRICT COURT  
THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

Winn Materials, LLC,	)	
	)	Case No. 3:11-cv-0045
Plaintiff,	)	
	)	Judge Campbell
v.	)	Magistrate Judge Brown
	)	
Sunland Industries, LLC, and Frederick P.	)	
Weiner,	)	
	)	
Defendants.	)	

**ENTRY OF DEFAULT**

Pending is Plaintiff's Renewed Request for Entry of Default against Defendant Frederick P. Weiner (Docket Entry No. 15). The request as to Defendant Weiner was denied previously as it was not supported with an affidavit of military service as required by the Servicemembers Civil Relief Act of 2003 (50 App. U.S.C. 501 et seq.). That defect has been cured with the Affidavit filed in connection with this motion (Docket Entry No. 16). Service upon Defendant Weiner was made on February 9, 2011, and despite having been served Defendant has failed to respond to the Complaint within the time period required by law. Entry of Default therefore is appropriate.

Accordingly, for the reasons stated above, the Clerk hereby enters enter default against Defendant Frederick P. Weiner. This is an entry of default only. Default judgment must be sought pursuant to Federal Rule of Civil Procedure 55(b).

s/ Keith Throckmorton  
Keith Throckmorton  
Clerk of Court